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ORDINANCE NO. 38

RULES AND REGULATIONS OF THE EAST BAY REGIONAL PARK DISTRICT

7/23/74



EAST BAY REGIONAL PARK DISTRICT

To provide for the ENJOYABLE, ORDERLY AND APPROPRIATE USE OF PARKLANDS and to PRESERVE PARK RESOURCES all persons shall abide by applicable State laws, County and Municipal ordinances, the directions of authorized District employees, and the RULES and REGULATIONS (Ordinance #38) of the East Bay Regional Park District. Violation of Ordinance #38 is a MISDEMEANOR. For your convenience portions of Ordinance #38 are summarized below.

PARKS ARE OPEN to the public only during hours posted at the Park entrance.
Curfew is between the hours of 10:00 p.m. and 5:00 a.m., except for persons possessing a valid permit to remain on Parklands.

WILDLIFE, PLANTS AND TREES may not be injured, disturbed, or removed.
GEOLOGICAL, ARCHAEOLOGICAL, AND HISTORIC objects may not be defaced, disturbed or removed.

MOTOR VEHICLES AND MOTOR CYCLES are restricted to paved roads and designated parking lots open to public use.

DOGS and OTHER PETS must at all times be under control so as not to interfere with park users, other animals or wildlife.

PETS PROHIBITED--No dogs or other animals are permitted at any swimming pool, bathing beach, or nature area.

LEASH REQUIRED--Dogs and other animals must be leashed at parking areas, lawns areas, picnic areas, concession areas, developed areas, and any posted area.

LEASH NOT REQUIRED--Dogs and other animals may be off leash only in open space areas and undeveloped areas of parklands, provided they are under control at all times.

SWIMMING, WADING OR OTHER WATER CONTACT SPORTS are permitted only in designated areas.

ALCOHOLIC BEVERAGES are not permitted, except that beer and wine may be consumed at picnic areas and other appropriate park areas. Beer or wine may not be consumed at pools, bathing beaches or other areas so designated.

FIREARMS of any kind are permitted only at designated rifle ranges. DANGEROUS WEAPONS such as cross bows, spears and sling shots are not permitted on Parklands, Bows and arrows may be used only at designated archery ranges.

LITTERING OR DUMPING of any waste or other material on District Parklands is prohibited.

CAMPING within District Parklands without a valid permit is not permitted.

GAMES AND ACTIVITIES, including model rockets, model airplanes, use of fireworks. hang gliding, golf, etc., likely to endanger property or other park users are not permitted except in designated areas.

RADIOS, RECORD PLAYERS, AMPLIFIERS, and similar sound creating devices may not be used in a way which disturbs the peace, quiet and comfort of other park users.

ASSEMBLIES, PERFORMANCES, RALLIES, SPECIAL EVENTS, or similar gatherings on Parklands require a permit from the General Manager.

FIRES are permitted only in facilities provided for this purpose.

HORSES may not be ridden at any bathing beach, nature area, picnic area, lawn area, and riders are encouraged to stay on designated trails.

For further information or assistance call: 531-9300.....or write East Bay Regional Park District, 11500 Skyline Boulevard, Oakland 94619

EAST BAY REGIONAL PARK DISTRICT

ORDINANCE No. 49

July 23, 1974

SB483
E25E25
1974
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ADOPTION OF ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR CONDUCT
IN AN OPERATION OF REGIONAL PARKS

WHEREAS, staff has demonstrated that changed conditions require a general revision of the District's policies and rules regulating conduct of park users heretofore set forth in Ordinance 38 of the District; THEREFORE,

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE EAST BAY REGIONAL PARK DISTRICT that:

1. Ordinance 38 of the East Bay Regional Park District is hereby amended to provide in its entirety as follows, effective as to events and occurrences after midnight August 31, 1974;

As noted herein Pages 1 through 17

2. District Counsel shall have the authority to rearrange and retitle the sections of the foregoing and to re-subdivide the contents thereof, all, however, without altering the substantive provisions in such amendment.
- * 3. This Ordinance shall be published once within 30 days after its adoption in a newspaper of general circulation printed, published and circulated in the District.

ADOPTED this 23rd day of July, 1974.

HOWARD L. COGSWELL, President
East Bay Regional Park District

* Published in the Oakland Tribune August 14, 1974 one time
and in the Contra Costa Times August 13, 1974 one time.



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ORDINANCE 38

BE IT ORDAINED by the Board of Directors of The East Bay Regional Park District:

CHAPTER I - DEFINITIONS

- SECTION 100. Unless the context otherwise requires, the definitions hereinafter set forth shall govern the construction of this Ordinance.
- SECTION 101. DISTRICT DEFINED. "District" means the East Bay Regional Park District, and includes all lands and waters owned, controlled, or managed by the East Bay Regional Park District, which shall hereinafter be referred to as "parklands."
- SECTION 102. PERSON DEFINED. "Person" means any natural person, firm, corporation, club, municipality, district or public agency, and all associations or combinations of persons whenever acting for themselves or by any agent, servant, or employee.
- SECTION 103. PERMISSION DEFINED. Unless otherwise expressly provided, "permission" means written permission, granted by the General Manager of the East Bay Regional Park District.
- SECTION 104. BOARD DEFINED. "Board" means the Board of Directors of the East Bay Regional Park District.
- SECTION 105. HEADINGS AND DIVISIONS. Headings and divisions are for convenience only and shall not be considered in the interpretation of this Ordinance and shall not in any way affect the conduct or activities covered by other sections of this Ordinance.

CHAPTER II - REGULATIONS

- SECTION 200. GENERAL REGULATIONS.
- 200.1 All persons entering upon District parklands shall abide by the rules and regulations of the District, the laws of the State of California, and all applicable county and/or municipal ordinances.
- 200.2 The provisions of this Ordinance shall not apply to employees of the District or to its concessionaires or their employees engaged in and acting within the scope of their authorized duties and concession activities. However, District employees and concessionaires and their employees shall abide by the laws of the State of California and all applicable county and/or municipal ordinances.

SECTION 201. SPECIAL REGULATIONS. Special regulations enacted for an area or a subject do not preclude the application of general regulations unless expressly so indicated.

CHAPTER III - GENERAL RULES

SECTION 300. AUTHORITY. All sections of this Ordinance are adopted pursuant to Sections 5541, 5558, and 5559 of the Public Resources Code of the State of California, and apply to all District parklands. A title, where used, does not limit the language of a section.

SECTION 301. VIOLATIONS OF ORDINANCE A MISDEMEANOR. Any violation of this Ordinance is a misdemeanor. Any judge of a justice court within any judicial district lying wholly or in part within the District or any municipal court which may be established within the District, shall have jurisdiction of all prosecutions under this article for violations of any ordinances, rules or regulations adopted by the Board of Directors of any regional park district. (Public Resources Code, Section 5560).

SECTION 302. SEVERABILITY. If any chapter, section, sub-section, paragraph, sub-paragraph, sentence, or clause of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; and the Board of Directors declares that this Ordinance, and each chapter, section, subsection, paragraph, sentence, and clause thereof would have been adopted irrespective of such possible finding of invalidity or unconstitutionality and, to that end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 303. AMENDMENT OR REPEAL. Where a section herein or rule or regulation adopted pursuant thereto is amended or repealed, acts and commissions prior thereto may be prosecuted as though such section, rule or regulation had not been so amended or repealed.

CHAPTER IV - PARK USES GENERAL

SECTION 400. CAMPING.

400.1 No person shall maintain a camp within District parklands after posted hours of operation, except a camp may be maintained in designated areas if a valid permit therefor has been obtained from the District.

400.2 No person who is a juvenile shall camp in any parklands except as follows:

400.21 A juvenile who is accompanied by a parent or guardian.

- 400.22 A juvenile who furnishes to the local park unit the written consent of and the full name, residence and the telephone of parent or guardian. Such written consent shall contain the inclusive dates and park location applicable.
- 400.23 A juvenile who is part of a group permitted to occupy parklands at night and who is supervised by at least one adult responsible for each ten juveniles.
- 400.24 The term juvenile as used herein shall be construed to mean any unmarried person under the age of 18 years.

SECTION 401. SWIMMING.

- 401.1 General. No person shall swim, wade, nor engage in any other water-contact activity in any water areas of the District except in those areas so designated and when lifeguards are on duty, unless otherwise posted.
- 401.2 Definition. As used in this section, "water-contact activity" means any activity in which the body of a person comes into physical contact with water, including but not limited to swimming, wading, aquaplaning, paddle boarding, skin diving and water skiing. It does not include boating or fishing.
- 401.3 Definition. As used in this section, "water areas of the District" include, but are not limited to, all natural and artificial swimming pools, reservoirs, lakes, streams and flood control channels.

SECTION 402. DROWNING; FALSE REPORTS. No person shall report, or cause to be reported, or in any other manner communicate to any lifeguard employed by the District, or any other employee of the District, any signal or account of a drowning, which such person knows to be false.

SECTION 403. FIREARMS & DANGEROUS WEAPONS.

- 403.1 Restriction. Except as provided in subsection 403.2 of this Section, no person shall have in his possession within the District, and no person shall fire or discharge, or cause to be fired or discharged, across, in, or into any portion of the District any gun or firearm, spear, bow and arrow, cross bow, sling shot, air or gas weapon, or any other dangerous weapon.
- 403.2 Exception. The provisions of subsection 403.1 of this Section shall not apply to any of the following cases:
- 403.21 The possession of unloaded firearms or dangerous weapons on public roads solely for the purpose of transporting such firearms or dangerous weapons, through District parklands.



EAST BAY REGIONAL PARK DISTRICT

INTER-DEPARTMENTAL CORRESPONDENCE

DATE: November 7, 1975

TO: All Departments

FROM: Jerry D. Kent

SUBJECT: ORDINANCE No. 38 dated July 23, 1974

Please clip the following section to your copy of Ordinance No. 38, Page 4, Section 405.

The second sentence was overlooked in typing the final copy. However, it was included in the published notice of the Ordinance and in the actual Board approved draft, as well as the final Board resolution.

INSERT - ORDINANCE No. 38, Page 4, Section 405

SECTION 405. NUDITY. Exposing oneself with the intent of directing public attention to one's private parts for purposes of sexual arousal, gratification, or affront is prohibited. (Penal Code, Section 314).

Added: Exposing oneself, in picnic, bathing and other similar populated areas shall be deemed to have been committed with the intent required by this section.

403.22 The possession of firearms or other dangerous weapons at a place of residence or business located within the District by a person in lawful possession of the residence or business.

403.23 The discharge or firing of firearms in areas designated from time to time by the Board specifically for the purpose of rifle and/or pistol shooting, and to the transportation of such firearms, if unloaded, to and from such designated areas.

403.24 The use of a bow and arrow, but not a cross bow, is permitted in areas designated from time to time by the Board specifically for the purpose of archery, but all bows must be unstrung during transportation to and from such designated areas.

SECTION 404. FIRES. No person shall build, light, or maintain any open or outdoor fire at any place within the District except in areas or facilities provided and designated for this purpose, unless prior written permission therefor has been obtained from the Chief of Public Safety. Upon a finding of extreme fire hazard by the Chief of Public Safety, no person shall smoke, or build fires, in areas other than those designated by said officer.

SECTION 405. NUDITY. Exposing oneself with the intent of directing public attention to one's private parts for purposes of sexual arousal, gratification, or affront is prohibited. (Penal Code, Section 314).

SECTION 406. METAL DETECTORS. No person shall use a metal detector or similar device on parklands, except as provided in Section 806.

SECTION 407. OBSTRUCTIONS. No person shall continue to engage in any course of conduct in any Park after he or she is advised by a Public Safety Officer or other Park employee, agent or concessionaire having authority to regulate or manage the area, that such conduct unreasonably and unnecessarily impairs or limits the lawful use and enjoyment of such facility or area by other persons, or impairs the ability of any Park District employee, agent or concessionaire to perform his or her authorized duties and activities, because such conduct is causing a material, physical obstruction to (i) the normal lawful movement of other persons in or through the area, or (ii) to normal access of other persons to any Park facility or area.

SECTION 408. ASSEMBLY. It shall be unlawful for any person or group to conduct a group meeting, rally, or similar gathering on parklands without first obtaining a permit from the office of the general manager for the use of the park area or facility involved. The Office of the General Manager shall grant such permit unless it finds that the time/place and/or size of the meeting, rally, etc. may unreasonably interfere with the normal use or operation of the area or facility requested. In the latter event, the Office of the General Manager shall assist, to the extent reasonably possible, the applicant in locating a suitable alternative area or facility, within the same park for such meeting, etc., and/or indicate the circumstances under which a modified meeting, etc. could be permitted in such park.

SECTION 409. MISCELLANEOUS DANGEROUS ACTIVITIES. Except in areas specifically designated and set aside from time to time by the Board for such activities, no person shall engage in any of the following activities within the District:

- 409.1 Use or possess fireworks of any kind;
- 409.2 Drive, chip, or in any other manner play or practice golf, or hit golf balls;
- 409.3 Operate self-propelled model airplanes, boats, automobiles, or other model craft of any kind or description;
- 409.4 Throw, release, or discharge missiles, rockets, or similar projectiles;
- 409.5 Hang-glide or parachute; or
- 409.6 Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person.

SECTION 410. ALCOHOLIC BEVERAGES.

- 410.1 Restrictions. No person shall serve, possess, or consume alcoholic beverages of any kind within the District except beer and wine, provided that no beer or wine may be served at the pools, bathing beaches or areas designated from time to time by the Board as areas where alcoholic beverages of any kind may not be consumed, served, or possessed.
- 410.2 Exception. Restaurants and concessionaires may sell and serve beer, wine and alcoholic beverages, but only as expressly prescribed by the Board.

SECTION 411. USE OF FEES FACILITY. No person other than one acting under written permission from the District shall use, occupy, or otherwise remain in a building, structure, facility, parking area, picnic area, campsite, or other area within the District for which a fee is charged and a permit required unless that person has paid the required fee and possesses a valid permit.

SECTION 412. REMOVAL OF SIGNS. No person including the person making the reservation shall remove a "Reserved" sign from a picnic area, campsite or building which has been reserved. No person shall willfully occupy or hold a picnic area, campsite, or building which has been reserved unless authorized by the person who made the reservation.

CHAPTER V - PARK USES, AQUATICS-BOATING

SECTION 500. GENERAL. No person shall place a boat, kayak, rubber raft or other vessel of any description in the water of reservoirs, lakes, streams or other bodies of water owned, managed, or controlled by the District except in those areas so designated and as hereinafter provided.

SECTION 501. AREAS DESIGNATED FOR LAUNCHING OF PRIVATE BOATS.

- 501.1 Private Boats. Only private boats not exceeding 17 feet in length and which permit hand launching and cartop transporting may be launched within the District. Boats may be launched only in designated areas.
- 501.2 Del Valle Reservoir. Both cartop transported and trailerable boats may be launched at Del Valle Reservoir without restriction as to size.
- 501.3 Restrictions. Private boats, kayaks, rubber rafts, or other vessels of any description shall not be permitted on Chabot Reservoir, Lake Anza, Lake Temescal, and Jewel Lake.

SECTION 502. INSPECTION: REGISTRATION: FEE. All private boats launched at Contra Loma Reservoir, Cull Canyon Reservoir, Don Castro Reservoir, and Shadow Cliffs Lake must be inspected by a designated East Bay Regional Park District employee, be registered and obtain an annual permit or decal which shall be displayed in a prominent place on the hull of the boat. Private boats launched at Del Valle and Crown Memorial State Beach shall not be subject to the inspection and permit procedure. The annual fee for registration and inspection of private boats shall be \$5.00 and shall be renewable on a calendar year basis.

SECTION 503. BOATING RULES AND REGULATIONS.

- 503.1 "Boat" means any device in or upon which persons or property may be carried, over or beneath the surface of water. All inflatable boats must be made of a durable material and contain at least three separate air chambers.
- 503.2 "No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person." (Harbors and Navigation Code S.655(a)).
- 503.3 "No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic as defined in Section 11001 of the Health and Safety Code or any restricted drug as defined in Section 11901 of the Health and Safety Code." (Harbors and Navigation Code S.655(b)).

- 503.4 Private boats may only be operated or launched between the hours of sunrise and sunset.
- 503.5 No gasoline motors of any kind shall be used to propel a private boat within the District except at areas expressly designated from time to time by the Board for use by gasoline motor equipped boats. Approved electric motors may be allowed for purposes of trolling for fish.
- 503.6 Gasoline powered motor boats may be operated at Del Valle Lake and Alameda Memorial Beaches under the following restrictions:
- 503.61 The motor is properly equipped with manufacturer's approved muffling device or equivalent.
- 503.62 Boat speed shall not exceed 10 mph at any time while in waters controlled by the East Bay Regional Park District, except during a "power boat day" designated for the area by the General Manager.
- 503.63 That no pollution of District waters occurs from any manner whatsoever of leakage or spillage of gasoline or oil.
- 503.7 Boats shall carry a maximum of, including the operator, two passengers for boats 10 feet or less in length and four passengers for boats 10 feet to 17 feet in length. However, in no case shall the number of passengers exceed the manufacturer's specified weight recommendations, or the rated boat capacity indicated on the registration form obtained at the time of boat registration.
- 503.8 Each individual must have available one Coast Guard approved life preserver in good condition for his use.
- 503.9 Boats and the operators and passengers must meet and observe all applicable Coast Guard, State and Federal safety requirements.
- 503.10 No person shall operate any boat within any designated swimming area or within 100 feet of the boundaries of a designated swimming area.
- 503.11 At least one person launching and operating a private boat at Contra Loma Reservoir, Shadow Cliffs Lake, Don Castro Reservoir, or Cull Canyon Reservoir shall be 16 years of age or older and shall be responsible for use of the boat and for all passengers.
- 503.12 The District reserves the right to limit the maximum number of boats on lakes or water areas it owns or manages at any particular time to provide safe and reasonable boating opportunities and to avoid interference with other public uses of aquatic facilities.
- 503.13 The District may revoke the boat permit or decal of any boat whose occupants violate any of the foregoing rules and regulations.

SECTION 504. LITTERING WATERS. "Every person who litters or causes to be littered, or dumps, or causes to be dumped, any wastematter into any bay, lagoon, channel, river, creek, slough, canal, lake or reservoir, or other stream or body of water, or upon a bank, beach or shore within 150 feet of the high water mark of any such water, is guilty of a misdemeanor." (Penal Code S.374 (e)).

CHAPTER VI - PARK USES-RIDING/HIKING TRAILS

SECTION 600. GENERAL. No person shall ride, drive, lead, or keep a saddle horse, pony, mule or other such animal at any swimming pool, bathing beach, nature area, regional preserve, golf course, picnic area, lawn or turf area, or any other area designated from time to time by the Board as so restricted.

SECTION 601. SADDLE ANIMALS. No person shall ride, drive, lead, or keep any saddle or pack animal in a reckless or negligent manner so as to endanger the life, limb, or property of any person or animal. No person shall allow his saddle or pack animal to stand unattended or insecurely tied.

SECTION 602. GATES. All persons opening a gate shall close the same after passing through it.

SECTION 603 TRESPASSES (Penal Code S. 602). Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

- 603.1 Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.
- 603.2 Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession.
- 603.3 Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaires and at all roads and trails entering such lands without the written permission of the owner of such land, his agent or of the person in lawful possession, and

- 603.31 Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such land, or
- 603.32 Tearing down, mutilating, or destroying any sign, signboard, or notice forbidding trespass or hunting on such lands, or
- 603.33 Removing, injuring, unlocking, or tempering with any lock or any gate on or leading into such lands, or
- 603.34 Discharging any firearm.
- 603.35 Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by a peace officer and the owner, his agent, or the person in lawful possession thereof.

CHAPTER VII - PARK USES COMMERCIAL/REVENUE

- SECTION 700. SOLICITING. No person shall solicit, sell, hawk, or otherwise peddle any goods, wares, merchandise, liquids or edibles for human consumption, except by concession or written permission granted by the Board.
- SECTION 701. GRAZING. No person shall permit cattle, sheep, goats, or any animal to graze on any lands of the District except with written permission of the Board.
- SECTION 702. COMMERCIAL FILMING. No person shall operate a still, motion picture, video or other camera for commercial purposes on parklands except pursuant to a written permit from the General Manager authorizing such activity. Fees for the issuance of such a permit may be established from time to time by the resolution of this Board. This section shall not apply to the commercial operation of cameras as part of the bona fide reporting of news.

CHAPTER VIII-PARK FEATURES-PROTECTION

- SECTION 800 ANIMALS, HUNTING, FISHING.
 - 800.1 General. No person shall hunt, molest, disturb, injure, trap, take, net, poison, harm, or kill any kind of animal whether living or dead, nor remove, destroy or in any manner disturb the natural habitat of any animal.
 - 800.2 Exception. Subsection 800.1 of this Section does not apply to the taking of fish from any water area of the District, except within the boundaries of any designated swimming area or any other such restricted

area as may be designated and posted by the Board, and such fishing shall be in accordance with the rules and regulations established by the Board, provided, however, that no person shall utilize a spear or arrow while fishing in the District.

- 803.3 License. Except as otherwise posted, a valid State of California fishing license and a valid District fishing permit shall be required for all persons over the age of 16 years, and all State fish and game laws and regulations which are applicable shall apply. (Fish and Game Code, Section 7145.)

SECTION 801 ANIMALS.

- 801.1 Prohibited Areas. No dog, cat or other animal, even if securely leashed, shall be permitted at any swimming pool, bathing beach, nature area, regional preserve, golf course, or any other area specifically designated from time to time by the Board as so restricted.

- 801.2 Leashes. No person shall bring into, or permit any dog, cat, or other animal to enter the following areas of the District unless such animal is securely leashed: Parking, lawn and turf, picnic, concession, equestrian, archery, gun, or any other area specifically designated from time to time by the Board as so restricted. An animal is securely leashed within the meaning of this Section when such animal is securely tied, or otherwise attached, to one end of a chain, rope, or other such restraining device, the other end of which is either securely attached to a stationary object or retained in the possession of some person capable of exercising control, or such animal is otherwise prevented from running at large.

- 801.3 Leashes; Exceptions. Except as provided in Subsections 800.1 and 800.2 of this Section, dogs and other animals may run at large within the District, provided, however, that the owner, keeper or person exercising the animal shall keep their animal under control at all times, and must not allow their animal to enter restricted areas of District parklands except as provided above, and must not allow their animal to interfere with, bother, or harass, park users, or other animals, or wildlife.

SECTION 802 ABANDONED ANIMALS. No person shall abandon a dog, cat, fish, fowl, or other animal within the District.

SECTION 803 PLANTS. No person shall damage, injure, collect, or remove any plant or tree or portion thereof, whether living or dead, including but not limited to flowers, mushrooms, bushes, vines, grass, turf, cones and dead wood located on District parklands. (See also Penal Code, Section 384a.)

- SECTION 804. GEOLOGICAL FEATURES. No person shall damage, injure, collect or remove earth, rocks, sand, gravel, fossils, minerals, features of caves, or any article or artifact of geological interest or value located on District parklands.
- SECTION 805. ARCHAEOLOGICAL FEATURES. No person shall damage, injure, collect or remove, any object of paleontological, archaeological or historical interest or value located on District parklands. (Penal Code S.622 $\frac{1}{2}$.)
- SECTION 806. SPECIAL PERMISSION. Special permission (Section 103) may be granted to remove, treat, disturb, or otherwise affect plants or animals or geological, historical, archaeological, or paleontological materials for research, interpretative, educational, or park operational purposes.
- SECTION 807. PROPERTY. No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument, or other property in the District, any bill, advertisement, directional or informational signs, or inscription whatsoever.

CHAPTER IX--PARKLANDS OPERATIONS-GENERAL

- SECTION 900. LITTERING. (Penal Code S.374)
- 900.1 Definitions; Littering; Waste Matter.
- 900.11 Littering means the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such act, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.
- 900.12 Waste matter means discarded, used, or leftover substance including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or flowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.
- 900.2 Littering or Dumping. No person shall litter or cause to be littered any District parkland, or cause to be dumped any waste matter in or upon any District parkland. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any District parkland without the prior written consent of the General Manager.

SECTION 901. PARKING: PROHIBITED AREAS

- 901.1 No person shall park a motor vehicle, except an authorized emergency vehicle or when in compliance with the directions of a peace officer, in any of the following places:

In areas where prohibited by "NO PARKING" signs.
 On any fire trail.
 On any equestrian or hiking trail.
 Blocking or obstructing any gate, entrance, or exit.
 On any lawn or grassy area.
 In any picnic area.
 On any beach.
 In such a manner as to take up more than one "marked" parking space in any authorized parking area.
 In any area where such vehicle blocks or obstructs the free flow of traffic.
 Within 15 feet of a fire hydrant.
 Adjacent to any curb painted red.
 Any parkland after curfew except pursuant to a valid parking permit.

- 901.2 Parking Time Limits. No person shall park a vehicle beyond posted parking time limits.

SECTION 902. OPERATION OF MOTOR VEHICLES; OFF-ROAD VEHICLES.

- 902.1 General. No motor vehicle may be operated within the District except on established paved roads that are not closed to the public. Motor vehicle includes, but is not limited to, motorcycles, off-road vehicles, "dirt bikes," and similar vehicles.

- 902.2 Exceptions.

902.21 This section shall not apply to authorized emergency vehicles.

902.22 This section shall not apply to areas, roads, trails, or paths which may from time to time be set aside and posted by the Board for the use of specifically designated vehicles, nor shall this section prohibit the use of gasoline or electrically driven golf carts upon golf courses within the District.

- SECTION 903. SPEED LIMITS. No person shall drive a vehicle within the District at a speed greater than is reasonable or prudent, having due regard for traffic on, and the surface and width of, the road, and in no event at a speed which endangers the safety of persons, property, or wildlife, provided, however, that in no event shall a vehicle be driven at a speed greater than the posted speed limit for that area.

SECTION 904. ABANDONED VEHICLES.

- 904.1 72 Hours. No person shall permit a vehicle to be parked or left standing within the District for 72 or more consecutive hours except in camping areas pursuant to a valid parking permit.
- 904.2 Removal. Any vehicle parked or left standing in violation of this Section may be removed as provided in the Vehicle Code of the State of California.
- 904.3 Abandonment. Whenever a District Public Safety Officer has reasonable grounds to believe that a vehicle has been abandoned within the District, the vehicle may be removed as authorized by Vehicle Code S. 22702.

SECTION 905. AIRCRAFT FLIGHT.

- 905.1 Height restrictions. Flight in aircraft below the altitude of 500 feet is prohibited, as is any flight so conducted as to be eminently dangerous to persons or property lawfully within the District. The landing of an aircraft on the land or waters of the District without prior permission is unlawful except in the case of a forced landing. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing. (Public Utilities Code, Section 21403(a).)
- 905.2 Practicing. No person shall practice, or attempt to practice, the landing, take-off or taxiing of an aircraft above or upon any lands or waters of the District.
- 905.3 Disturbing Wildlife. No person shall operate, or cause to be operated, any aircraft which disturbs or causes harm to any of the flora or fauna of the District.

- SECTION 906. CURFEW. No person other than the house guests of a concessionaire-resident or an employee renting a house from the District, or persons possessing valid written permission to camp, shall enter upon or otherwise remain within the District for any purpose whatsoever between the hours specifically posted as curfew hours at the entrance to the particular District parkland, or where no hours are posted, between the hours of 10:00 p.m. to 5:00 a.m. Those persons possessing a valid permit shall be allowed to remain and use parklands and facilities as specified in their permit, after which time they shall leave the District without any appreciable delay.

SECTION 907. PROHIBITED AREA. To insure the safety and health of persons, to avoid interference in development, construction, and management, or to provide for the security, safeguarding, and preservation of property in the District and portions thereof, the Chief of Public Safety may from time to time upon such finding declare an area closed, prohibited, or limited to further entry, and specify the period therefor. If the order is to close an area, the order may include such reasonable classes of persons who may enter therein in the conduct of such proper activities or official duties as the Chief may prescribe. If the order is to limit the number of persons in an area, no person shall enter the area unless specifically authorized by the Chief or the Chief's designate.

When by order a prohibited or limited area has been so declared, no person so prohibited shall during the effective period thereof enter therein, and all prohibited persons within such area at the time it is so declared shall leave the same without any appreciable delay, and in so doing shall obey and abide by all instructions of the supervising District employee or lifeguard, as the case may be.

SECTION 908. DECLARATION OF NOISE POLICY. It is hereby declared to be the policy of the District to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. At certain levels, noises are detrimental to the health and welfare of East Bay Regional Park District users, and it is in the public interest to systematically prescribe such noises.

908.1 DEFINITIONS.

908.11 Sound amplifying equipment. "Sound amplifying equipment" shall mean any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment", as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

908.12 Sound truck. "Sound truck" shall mean any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

- 908.13 Commercial purpose. "Commercial purpose" shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purposes of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, advertising for, or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

908.2 RADIOS, TELEVISION SETS, AND SIMILAR DEVICES.

- 908.21 Peace and Quiet. It shall be unlawful for any person within the District to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing the sound in such a manner as to disturb the peace, quiet, and comfort of East Bay Regional Park District users or any reasonable person of normal sensitivity residing in the area.

- 908.22 Prima facie violation. The use of any of the devices or machines enumerated in Subsection 903.11 hereof, such that the sound produced therefrom is audible at a distance in excess of 150 feet, shall be deemed a prima facie violation of this chapter.

- 908.23 Absolute prohibition. In addition to Subsection 908.11 and 908.12 of this Section, and to insure adequate rest for District users, no person shall use or operate any of the devices mentioned in Subsection 908.11 within the sleeping quarters or campgrounds of the District between the hours of 9 p.m. and 8 a.m. daily.

908.3 AMPLIFIED MUSIC.

- 908.31 Registration required. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies acting within the scope of their official employment, to install, use, or operate within the District a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of transmitting music to any persons or assemblages of persons within the District without filing a registration statement with and obtaining approval from the General Manager.

Furthermore, such approval may be granted to operate such devices or equipment only within the designated amphitheater areas maintained by the District for such purposes, or other such similar areas as the Board may from time to time so designate.

908.32 Registration statements: Filing. Every user of sound-amplifying equipment shall file a registration statement with the general manager at least seven days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:

- (1) The name, address, and telephone number of both the owner and user of the sound-amplifying equipment;
- (2) The maximum sound-producing power of the sound-amplifying equipment which shall include the wattage to be used and the approximate distance for which sound will be audible from the sound-amplifying equipment;
- (3) The license number if a sound truck is to be used; and
- (4) A general description of the sound-amplifying equipment which is to be used.

908.4 REGISTRATION STATEMENTS: APPROVAL. The General Manager shall return to the applicant an approved certified copy of the registration statement unless the general manager finds that any of the provisions of Subsection 908.12 of this Section have not been complied with, or unless the designated amphitheater locations have been previously reserved for the requested date and/or hours.

908.5 REGISTRATION STATEMENTS: DISAPPROVAL. In the event the registration statement is disapproved, the Office of the General Manager shall endorse upon the statement the reason or reasons for disapproval and return it forthwith to the applicant.

908.6 FEES. No fee shall be required solely for issuance of the registration statement permitting of amplified sound; however, a fee in accordance with the fee schedule established by the General Manager may be charged for use of the amphitheater area or other area designated to be used.

908.7 REGULATIONS. The use of sound-amplifying equipment shall be subject to the following regulations:

908.71 The operation of sound-amplifying equipment shall only occur between the hours of 10:00 a.m. and 8:00 p.m. each day.

908.72 The volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

908.73 Notwithstanding and in addition to the above, the users of sound equipment shall abide by any specific limitations noted upon the registration statement, and shall abide by the orders and directions of District Public Safety Officers in the Operation of such sound-amplifying equipment.

908.8 GENERAL NOISE REGULATION.

908.81 General. Notwithstanding any other provision of this Chapter, and in addition thereto, it shall be unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet within any area within the District or which causes discomfort or annoyance to any reasonable person of normal sensitiveness utilizing any facility of the District.

908.82 Standards. The standards which shall be considered in determining whether a violation of the provisions of this Section exists shall include, but not be limited to, the following:

- (1) The level of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) The level and intensity of the background noise, if any;
- (5) The type of area within which the noise emanates;
- (6) The intensity of human use of the area during the time at which the noise emanates;
- (7) The time of the day or night the noise occurs;
- (8) The duration of the noise; and
- (9) Whether the noise is recurrent, intermittent, or constant.

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